



ENTERED
05/26/2016

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

IN RE: § MISC CASE NO: 15-701
CHAPTER 13 PLAN ADMINISTRATION §
§

**ORDER DENYING EMERGENCY
REQUEST FOR CERTIFICATION FOR DIRECT APPEAL TO THE
FIFTH CIRCUIT COURT OF APPEALS
(Docket No. 37)**

The Court has considered Cindy Boudloche's, Chapter 13 Trustee, Emergency Request for Certification for Direct Appeal to the Fifth Circuit Court of Appeals of this Court's May 6, 2016 order. In the motion, the trustee asserts that certification is required under 28 U.S.C. § 158(d)(2)(A)(i) and (iii). Despite all of the trustee assertions, the issues involved in the Court's May 6, 2016 order do not involve a question of law for which there is no controlling decision of the Fifth Circuit or the Supreme Court. The Court's order concerns the trustee's failure to follow confirmed chapter 13 plans and the implementation of a remedy to correct the harm. The law governing trustees and fiduciaries is well-defined. Likewise, an immediate appeal to the Fifth Circuit will not materially advance the case. There is no stalemate. There are no strategic litigation decision trees that await a legal pronouncement. A remedy for the trustee's conduct is in place. Accordingly, it is

ORDERED THAT:

1. The trustee's Emergency Request for Certification for Direct Appeal to the Fifth Circuit Court of Appeals is denied.

SIGNED: May 25, 2016.


DAVID R. JONES
UNITED STATES BANKRUPTCY JUDGE